

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 907

Introduced by Hilgert, 7; Kiel, 9; Preister, 5; Quandahl, 31;
Smith, 48; Suttle, 10; Thompson, 14

Read first time January 5, 2000

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-519, Reissue Revised Statutes of Nebraska, and section
3 28-101, Revised Statutes Supplement, 1999; to change
4 provisions relating to criminal mischief; to prohibit
5 graffiti as prescribed; to provide penalties; to
6 harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 1999, is amended to read:

3 28-101. Sections 28-101 to 28-1348 and section 3 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. Section 28-519, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 28-519. (1) A Except as otherwise provided in section 3
8 of this act, a person commits criminal mischief if he or she:

9 (a) Damages property of another intentionally or
10 recklessly; ~~or~~

11 (b) Intentionally tampers with property of another so as
12 to endanger person or property; or

13 (c) Intentionally or maliciously causes another to suffer
14 pecuniary loss by deception or threat.

15 (2) Criminal mischief is a Class IV felony if the actor
16 intentionally causes pecuniary loss in excess of three hundred
17 dollars, or a substantial interruption or impairment of public
18 communication, transportation, supply of water, gas or power, or
19 other public service.

20 (3) Criminal mischief is a Class II misdemeanor if the
21 actor intentionally causes pecuniary loss in excess of one hundred
22 dollars but not in excess of three hundred dollars.

23 (4) Criminal mischief is a Class III misdemeanor if the
24 actor intentionally or recklessly causes pecuniary loss in an
25 amount of one hundred dollars or less, or if his or her action
26 results in no pecuniary loss.

27 Sec. 3. (1) It is unlawful for any person to write,
28 paint, draw, or etch upon any wall, rock, bridge, building, fence,

1 gate, tree, or any other structure or any other real or personal
2 property, either publicly or privately owned, any drawing,
3 inscription, figure, or mark of any type.

4 (2) It is not a violation of subsection (1) of this
5 section when:

6 (a) Such writing, painting, drawing, or etching is done
7 with the express permission of a person legally responsible for the
8 property; and

9 (b) Such writing, painting, drawing, or etching is not
10 otherwise prohibited by law.

11 (3) Any person violating subsection (1) of this section
12 shall be punished as follows:

13 (a)(i) When the damage caused is less than one hundred
14 dollars, such person is guilty of a Class III misdemeanor;

15 (ii) When the damage caused is one hundred dollars or
16 more but less than three hundred dollars, such person is guilty of
17 a Class I misdemeanor; and

18 (iii) When the damage caused is three hundred dollars or
19 more, such person is guilty of a Class IV felony.

20 (b) In addition to such penalties, a court may, upon
21 conviction, order the suspension of such person's operator's
22 license for a period of up to twelve months.

23 Sec. 4. Original section 28-519, Reissue Revised
24 Statutes of Nebraska, and section 28-101, Revised Statutes
25 Supplement, 1999, are repealed.